

Chapter 40. ETHICS

Article I. Code of Ethics

§ 40-1. Declaration of policy.

The proper operation of the City government requires that public officials and employees be independent, impartial and responsible; that governmental policies and decisions be made in the proper channels of the governmental structure; that public office and employment not be used for personal gain; and that the public have confidence in the integrity of its government. The purposes of this Code of Ethics are to set forth standards of ethical conduct; to assist public officials and employees in establishing guidelines for their conduct; and to foster the development and maintenance of a tradition of responsible and effective public service.

§ 40-2. Definitions.

[Amended 12-7-1992]

As used in this chapter, unless a different meaning is required by the context or is specifically prescribed, the following words, terms or phrases shall have the following meanings:

AGENCY

Includes the Common Council, the Board of Education and all other agencies, authorities, boards, commissions, committees, departments and offices of the City of Middletown without exception.

CONFIDENTIAL INFORMATION

Any information which is not available to the general public under the General Statutes and which is obtained only by reason of an official's or employee's position.

FAMILY

Spouse, parent, children, siblings and their spouses or children.

FINANCIAL INTEREST

Any interest which will result in a monetary or other material benefit to an official or employee, either directly or indirectly (which has a value of more than \$50 to the official or employee), other than his duly authorized salary or compensation for his services to the City, and which is not common to the interest of all other citizens of the City. The following financial interests shall be imputed to be those of an official or employee of the City:

A.

That of a spouse or child of an official or employee.

B.

That of any prime contractor or subcontractor of the City in which the official or employee or any member of his immediate family has any direct or indirect interest as the proprietor, by ownership of stock or partnership interest.

OFFICIALS or EMPLOYEES

All officials, officers, members and employees of the government of the City of Middletown and of all its agencies, whether elected or appointed, whether paid or unpaid, whether permanent, temporary or alternate.

PERSONAL INTEREST

As distinguished from financial interest shall include but not be limited to an interest arising from a family relationship or business association.

TRANSACTION

The offer of or the sale, purchase or furnishing of any real or personal property, or services, by or to any person or entity directly or indirectly, as vendor or vendee, prime contractor, subcontractor or otherwise, for the use and benefit of the City or of such other person or entity, for a valuable consideration.

§ 40-3. Applicability.

All City officials and employees shall be bound by this chapter.

§ 40-4. Standards of conduct.

[Amended 12-1-1980; 12-7-1992]

A.

Officials and employees have an obligation to act morally and honestly in discharging their responsibilities.

B.

Officials and employees shall conduct themselves with propriety, discharge their duties impartially and fairly and make continuing efforts toward attaining and maintaining high standards of conduct.

C.

Each official serving on a multi-member agency, authority, board, commission or committee is expected to devote the time and effort necessary to the successful functioning of such agency, authority, board, commission or committee.

D.

No official or employee shall use, directly or indirectly, his City position to secure any financial interest or personal interest for himself or others.

E.

No official or employee shall, for any reason, use or attempt to use his position to improperly influence any other official or employee in the performance of his official duties.

F.

City officials and employees shall treat each member of the public professionally, courteously, impartially and fairly. No City official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

§ 40-5. Use of City resources.

No official or employee shall use or permit the use of City-owned material or City personnel in any manner prohibited by state statute, City ordinance or administrative regulation. City-owned property and City personnel may be used only for the conduct of official business, except where such resources are available to the public generally.

§ 40-6. Conflict of interest.

[Amended 12-1-1980]

A.

No official or employee shall engage in any employment or business which conflicts with the proper discharge of his official duties.

B.

No official or employee shall have a financial or personal interest, directly or indirectly, in any transaction with any City agency as to which he has the power to take or influence official action. A contract in violation of this section may be declared void at the option of the Common Council.

C.

If an official or employee has any direct or indirect financial or personal interest in the outcome of any matter coming before the agency of which he is a member or by which he is employed, such official or employee shall disclose on the record of the agency or to his superior or other appropriate authority the existence of such financial or personal interest. An official or employee having such a financial interest shall not engage in deliberations concerning the matter, shall disqualify himself from acting on the matter and shall not communicate about such matter with any person who will participate in the action to be taken on such matter. Unless any such personal interest is sufficiently remote from the matter, such official or employee shall not engage in deliberations concerning the matter, shall disqualify himself from acting on the matter and shall not communicate about such matter with any person who will participate in the action to be taken on such matter.

D.

No official or employee, whether paid or unpaid, shall represent or appear in behalf of any individual or entity, either personally or through an associate or partner, against the interests of the City or any of its agencies in any action or proceeding in which the City or any of its agencies is a party, unless the action or proceeding is sufficiently remote from his official duties so that no actual conflict of interest exists.

E.

No official or employee, whether paid or unpaid, shall represent or appear in behalf of any individual or entity before any agency of the City, or take any appellate proceedings from any action of any such agency, either personally or through an associate or partner, unless there is first a full disclosure and unless further the matter or transaction for which he is appearing is sufficiently remote from his official duties so that no conflict of interest exists and the officer or employee is not in a position to exert improper influence.

F.

Nothing herein shall be interpreted or construed to prohibit any official or employee from exercising his legal rights as to his own personal interests in processing a claim against or request to the City or any of its agencies, or

in defending a claim made against him by the City or any of its agencies, or to prohibit an official or employee from testifying as a witness in any administrative or judicial proceeding.

§ 40-7. Confidential information.

A.

No official or employee shall, without legal authority, disclose confidential information concerning the personnel, property, government or affairs of the City.

B.

No official or employee shall use confidential information to advance his own financial or personal interests or the financial or personal interests of any other person.

§ 40-8. Gifts, gratuities and favors.

No official or employee shall accept, from any one source during any period of one year, any thing or things exceeding \$50 in total value as a gift, gratuity or favor, whether in the form of a service, loan, thing or promise, from any person who or entity which to his knowledge is interested directly or indirectly, in any manner whatsoever, in a transaction with any City agency as to which he has the power to take or influence official action.

§ 40-9. Distribution of Code of Ethics.

[Added 12-7-1992; amended 6-2-1997; 11-5-2007 by Ord. No. 32-07; 5-2-2013 by Ord. No. 10-13; 5-2-2013 by Ord. No. 11-13]

The Director of Human Resources shall cause a copy of the Code of Ethics for the City of Middletown to be distributed to each employee of the City within four months of the enactment of this section. Thereafter each newly elected or appointed official or newly hired employee shall receive a copy of the Code of Ethics before entering upon the duties of their office or appointment. The Mayor's Office shall distribute copies to elected officials. A signed and dated receipt by each employee and elected official shall be kept on record in the applicable office, Human Resources Division of the Office of the General Counsel for City employees and Mayor's office for elected officials, for the duration of employment or term of office.